

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of private road, 225' NE
of the E1 of Notchcliff Road,
3400' S of Glen Arm Road
(11203 Notchcliff Road)
11th Election District
6th Councilmanic District
Michael J. Greco, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael J. and Lori Greco. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 18 feet in lieu of the minimum required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of October, 1992 that the Petition for Administrative Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 18 feet in lieu of the minimum required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 21, 1992

(410) 887-4386

Mr. & Mrs. Michael J. Greco
11203 Notchcliff Road
Glenarm, Maryland 21057

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S of private road, 225' NE of Notchcliff Road,
3400' S of Glen Arm Road
(11203 Notchcliff Road)
11th Election District - 6th Councilmanic District
Michael J. Greco, et ux - Petitioners
Case No. 93-96-A

Dear Mr. & Mrs. Greco:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Mr. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 11203 NOTCHCLIFF RD, GLENARM, MD 21057

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.3 To allow a side yard setback of 18 feet in lieu of the minimum required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

HARDSHIP

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name Address and phone number of legal owner (Contract Purchaser or representative to be contacted)
Name Address and phone number of legal owner (Contract Purchaser or representative to be contacted)

MICHAEL J. GRECO

Signature

11203 NOTCHCLIFF RD

GLENARM MD 21057

3A ABOVE

11203 NOTCHCLIFF RD 57272
GLENARM MD 21057
3A ABOVE

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 21st day of October, 1992, that the subject matter of this petition be set for a public hearing, to be held at 11:00 AM on October 21, 1992, at the Zoning Commission of Baltimore County, and that the property be required to be vacated throughout Baltimore County, and that the property be required to be vacated throughout Baltimore County, and that the property be required to be vacated throughout Baltimore County.

REVIEWED BY: [Signature] DATE: 10/21/92
ESTIMATED POSTING DATE: 10/21/92

ITEM #: 105

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) where competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 11203 NOTCHCLIFF RD

GLENARM MD 21057

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate variance or posted affidavit)

THE SECTION OF MY HOUSE THAT I WANT TO PUT AN ADDITION ON, IS THE ONLY AREA I CAN TO THE REAR OF MY HOUSE, I HAVE A BET CLEARANCE BEFORE I HIT THE BEGINNING OF MY MOUNTAIN, TOWARDS THE RIGHT SIDE OF MY HOUSE IS THE KITCHEN AREA AND DRIVEWAY AND IN THE FRONT OF MY HOUSE I HAVE A 10'X28'5" DECK WITH SLIDING GLASS DOORS. THE SECTION THAT I SELECTED IS THE ONLY AREA POSSIBLE TO ADD MY ADDITION.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Michael J. Greco

Michael J. Greco

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of SEPT, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MICHAEL GRECO + Lori GRECO

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/17/92

My Commission Expires: 8/1/96

Zoning Description # 11203 Notchcliff Rd

Beginning at a point on the north side of private Rd being 225' NE of Notchcliff Rd at a point 3400' ± S of Glen Arm Rd. Thence running N 12° 09' E 290' ± thence N 82° 35' East 173' ±, thence S 9° 45' W 232' ±, thence S 66° E 177' ±, to the point of beginning. Containing 1.2 ac ±. Also known as 11203 Notchcliff Rd and located in the 11th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th
Posted for: 1 month
Petitioner: Michael J. Greco
Location of property: 11203 Notchcliff Rd, 225' NE of Notchcliff Rd
Location of Sign: Facing Notchcliff Rd at entrance of private road leading to property
Remarks:
Posted by: [Signature]
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 9-18-92 ACCOUNT: R-001-6150
AMOUNT: \$85.00
RECEIVED FROM: MR. Greco
FOR: Residential Variance Sign 35 = 785.00
VALIDATION OR SIGNATURE OF CASHIER
CASHIER: [Signature]

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 119300105

DATE: 9-18-92
CASHIER: [Signature]

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
October 21, 1992
(410) 887-3353

Mr. and Mrs. Michael J. Greco
11203 Notchcliff Road
Glen Arm, MD 21057

RE: Item No. 105, Case No. 93-96-A
Petitioner: Michael J. Greco, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Greco:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration & Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
18th day of September, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Michael J. Greco, et ux
Petitioner's Attorney:

Development Review Committee Response Form
Authorized signature *David N. Ramsey* Date *10/5/92*

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476 Waiver Number: 6-1-92 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1

Austin F. and Estelle R. Weber	102	9-28-92	Comment
DED DEPRM RP STP TE			
✓ Franklin Ray and Ann Mae Sumpter	103		NC
DED DEPRM RP STP TE			
✓ Richard A. Robert T. and Emily C. Baker	104		NC
DED DEPRM RP STP TE			
✓ Michael J. and Lori Greco	105		NC
DED DEPRM RP STP TE			
Sudbrook Associates	106		Comment
DED DEPRM RP STP TE			
✓ Philip M. and Sandra L. Cowett	108		NC
DED DEPRM RP STP TE			
Gaetano Platania	91		Comment
DED DEPRM RP STP TE			
✓ Kurt D. and Denise E. Zumwalt	92		NC
DED DEPRM RP STP TE			

COUNT 8
FINAL TOTALS
COUNT 9
*** END OF REPORT ***

RECEIVED
OCT 5 1992
ZONING OFFICE

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 105 (JJS)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David N. Ramsey
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 30, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 28, 1992

The Office of Planning and Zoning has no comments on the following petition(s):
Kurt and Denise Zumwalt, Item No. 92 ✓
Austin and Estelle Weber, Item No. 102 ✓
Franklin and Ann Mae Sumpter, Item No. 103 ✓
The Decker Group, Item No. 104 ✓
Michael and Lori Greco, Item No. 105 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*
Division Chief: *Ervin McDaniel*

EMcD/FM:rdn

ITEM92.105/ZAC1

RECEIVED
OCT 5 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *W. Carl Richards Jr.* Date *10/5/92*

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476 Waiver Number: 6-1-92 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1

Austin F. and Estelle R. Weber	102	9-28-92	W/C
DED DEPRM RP STP TE			
✓ Franklin Ray and Ann Mae Sumpter	103		W/C
DED DEPRM RP STP TE			
✓ Richard A. Robert T. and Emily C. Baker	104		N/C
DED DEPRM RP STP TE			
✓ Michael J. and Lori Greco	105		N/C
DED DEPRM RP STP TE			
Sudbrook Associates	106		MIT
DED DEPRM RP STP TE			
✓ Philip M. and Sandra L. Cowett	108		N/C
DED DEPRM RP STP TE			
Gaetano Platania	91		W/C
DED DEPRM RP STP TE			
✓ Kurt D. and Denise E. Zumwalt	92		N/C
DED DEPRM RP STP TE			

COUNT 8
Oliver Jones/Long Green Hotel
DEPRM RP STP TE
101
W/C

RECEIVED
OCT 5 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 19, 1992

FROM: J. Lawrence Pilson JLP/LPM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #105
11203 Notchcliff Road
Zoning Advisory Committee Meeting of September 28, 1992

Any permanent building structure must be a minimum of 30 feet from a water well and 20 feet from any part of the septic system. Prior to building permit approval, a field inspection may be required to verify the location of the private water and sewer systems.

LP:sp

NOTCHCL/TXTSBP

Rec'd 10/21/92

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

OCTOBER 19, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL J. GRECO AND LORI GRECO
Location: #11203 NOTCHCLIFF ROAD
Item No.: #105 (JJS) Zoning Agenda: SEPTEMBER 28, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Papp*
Planning Group
Special Inspection Division

JP/KEK

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *W. Carl Richards Jr.* Date *10/5/92*

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476 Waiver Number: 6-1-92 Zoning Issue: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1

Austin F. and Estelle R. Weber	102	9-28-92	No Comment
DED DEPRM RP STP TE			
✓ Franklin Ray and Ann Mae Sumpter	103		No Comment
DED DEPRM RP STP TE			
✓ Richard A. Robert T. and Emily C. Baker	104		No Comment
DED DEPRM RP STP TE			
✓ Michael J. and Lori Greco	105		No Comment
DED DEPRM RP STP TE			
✓ Sudbrook Associates	106		No Comment
DED DEPRM RP STP TE			
✓ Philip M. and Sandra L. Cowett	108		No Comment
DED DEPRM RP STP TE			
✓ Gaetano Platania	91		No Comment
DED DEPRM RP STP TE			
✓ Kurt D. and Denise E. Zumwalt	92		No Comment
DED DEPRM RP STP TE			

COUNT 8

RECEIVED
OCT 5 1992
ZONING OFFICE

